

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

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ERIC GARDECKI,

Plaintiff,

v.

EXETER TOWNSHIP,  
LISA VANDERLAAN, and  
WILLIAM WHITE,

Defendants.

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No. 5:18-cv-03343

**ORDER**

**AND NOW**, this 15<sup>th</sup>, day of January, 2019, upon consideration of Plaintiff's Complaint, ECF No. 1; Defendant's Motion to Dismiss for Failure to State a Claim, ECF No. 4; Plaintiff's Response to Defendant's Motion to Dismiss, ECF No. 9; Defendant's Reply, ECF No. 11; and the oral argument before the court on November 20, 2018, and for the reasons set forth in the accompanying Opinion, **IT IS ORDERED** that:

1. Defendant's Motion to Dismiss for Failure to State a Claim, ECF No. 4, is **GRANTED in part**;
2. Counts I and II are **DISMISSED without prejudice**;
3. Plaintiff is granted leave to file an Amended Complaint with respect to Counts I and II **no later than February 5, 2019**; and
4. Counts IV, VI, VII, and VIII will be remanded to state court if Plaintiff does not file an Amended Complaint.

BY THE COURT:

/s/ Joseph F. Leeson, Jr.

JOSEPH F. LEESON, JR.

United States District Judge